

Adverse Actions Report July 2021 – August 2021

The digital edition of the *Forum* presents a two-month report of recent adverse actions. This report does not include non-adverse action such as reentry agreements or relief of consent order obligations. To view all public actions, visit www.ncmedboard.org/BoardActions.

Name/license #/location	Date of action	Cause of action	Board action
ANNULMENTS			
NONE			
SUMMARY SUSPENSIONS			
NONE			
REVOCATIONS			
NONE			
SUSPENSIONS			
BUDZYN , Brian James, MD (201600018) Huntersville, NC	08/06/2021	After having consumed several alcoholic beverages while on call the night before, on December 29, 2020, MD came to his hospital to perform a medical procedure and was noted to be impaired. MD self-referred to NCPHP and began treatment for alcohol use disorder on December 30, 2020. On February 22, 2021, MD voluntarily inactivated his North Carolina license to practice medicine retroactively with an inactive license effective date of December 30, 2020. MD has entered into a monitoring agreement with NCPHP and has completed residential treatment.	Indefinite suspension
HUSSEIN , Diaa Eldin, MD (200000467) Morganton, NC	08/12/2021	MD has a history with the Board. In August 2016, MD entered into a Consent Order with the Board in which he was reprimanded for violating professional	Indefinite suspension

		<p>boundaries with a patient. On January 21, 2021, the Board received a complaint against MD alleging sexual harassment and sexual battery against a female employee. This employee reported this behavior to the Marion Police Department and warrants for MD's arrest were issued. MD was arrested for three counts of sexual battery and pled guilty to one count of Assault on a Female. The remaining two counts of misdemeanor sexual battery charges were dismissed. On June 15, 2021, MD retired from the practice of medicine.</p>	
<p>SMITH, David Nathaniel, MD (200701837) Waxhaw, NC</p>	<p>07/19/2021</p>	<p>In the spring of 2019, the Board received complaints that MD was neglecting his cardiology practice by not being on-site or available for his patients and thus relied on a nurse practitioner to be the only clinician consistently present at the practice. During this period of time, MD became the straw owner and Medical Director of a different practice. MD was reported to be rarely at the practice despite being the primary supervising physician for the APPs employed there.</p>	<p>Suspension; immediately stayed with practice and coaching conditions</p>
<p>WON, John Sunghoon, MD (200601944) Durham, NC</p>	<p>07/19/2021</p>	<p>MD is in violation of his May 15, 2020 Consent Order in which his</p>	<p>Suspension for twelve months; immediately stayed. MD not to</p>

		license to practice medicine was suspended for twelve months; immediately stayed upon the condition that, effective June 30, 2020, MD would not perform oral surgery. On or about July 20, 2020, the Board received information that MD was continuing to practice oral surgery.	perform any dental procedures or practice oral surgery
LIMITATIONS/CONDITIONS			
NONE			
REPRIMANDS			
FRANK , Harrison Gabriel, MD (201101636) Wilmington, NC	08/26/2021	MD aided and abetted the unlicensed practice of medicine by being involved with a company that was owned and operated by a non-licensee. MD's misconduct, in this case, is aggravated by the fact he had been publically educated about the Corporate of Medicine doctrine as the result of a 2018 Public Letter of Concern about his involvement as a straw owner with a chain of several medical practices located throughout North Carolina.	Reprimand; MD shall disassociate with InShape or bring the ownership structure of InShape into compliance with North Carolina law.
WILLIAMS , Daniel Mark, MD (201002046) Southern Pines, NC	08/12/2021	On September 15, 2020, Southern Pines Police Department (SPPD) responded to a 911 call reporting a domestic disturbance. A gunshot was overheard and SPPD officers reported the heavy smell of gunpowder and a strong smell of alcohol emanating from MD. MD	Reprimand; 60-day active suspension; indefinite suspension stayed with conditions. MD to pay an administrative fine of \$10,000.

		<p>became increasingly uncooperative while being questioned and tried to leave the room. One of the police officers attempted to restrain MD and they ended up in a scuffle. MD was placed under arrest for Resist, Delay, and Obstruct an Officer. MD engaged in a barrage of vulgarities, insults, and profanity toward the police officers and threatened to use his position as a physician and prominent member of the community to retaliate against the officers. Additionally, MD initially refused a portable breath test (PBT) and could not be processed at the Moore County Detention Facility. He was taken to the local hospital, continuing his verbal abuse, was cleared, and was then transported back to the detention facility where he agreed to provide a breath sample. MD registered a .07 blood alcohol level according to PBT.</p>	
DENIALS OF LICENSE/APPROVAL			
NONE			
SURRENDERS			
NEWMAN , David Grant, MD (000038149) Maryville, TN	08/26/2021		Voluntary surrender of license
PUBLIC LETTERS OF CONCERN			
BHEND , Ernest Mellow, MD (201701307) Tega Cay, SC	08/05/2021	Quality of care; In December 2015, MD performed an elective cataract extraction on a	Public Letter of Concern

		<p>65-year-old patient's right eye. The procedure was uneventful, and recovery progressed well until post-operative day eight when the patient presented with a profound change in his vision and retinal bleeding in his right eye. At that time, MD diagnosed the patient with central retinal vein occlusion which MD thought to be unrelated to the surgery. After evaluation of and discussion with the patient, MD performed a cataract extraction on the patient's left eye. The patient's right eye declined to the point where it could only perceive light, and his left eye was registering 20/40 vision. The vision in the patient's left eye rapidly declined due to retinal bleeding and restriction of the blood supply. The patient was immediately referred to a retinal specialist and diagnosed with Hemorrhagic Occlusive Retinal Vasculitis and Ocular Ischemic Syndrome. Despite multiple attempts at treatment, the patient lost vision in both eyes.</p> <p>The Board had MD's treatment reviewed by an independent medical expert who criticized</p>	
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		MD's decision to proceed with cataract surgery on the patient's left eye "without having a clear diagnosis and evaluation of decline of vision in the right eye."	
JUOPPERI , Thomas Douglass, PA (001011530) Durham, NC	07/30/2021	The Board is concerned about PA's history of alcohol use disorder. On March 12, 2012, PA entered into a Consent Order with the New York State Office of the Professionals and was placed on probation for five years due to multiple driving while impaired arrests. On December 18, 2012, PA was granted a physician assistant license in Colorado whereby the Colorado Medical Board ("CMB") required PA to abstain from alcohol use and enroll in the Colorado Physician Health Program ("CPHP"). On September 14, 2015, the CMB suspended PA's license due to a relapse. PA voluntarily surrendered his New York license on December 24, 2015. The CMB lifted his suspension on January 19, 2016, and removed all stipulations from his license on May 15, 2019, as a result of PA's successful and continued recovery and CPHP compliance. The Board favorably notes the steps PA has taken to live in	Public Letter of Concern

		active recovery since moving to NC. NCPHP has met with PA and advocates for his licensure.	
OKOLI , Alphonsus Eziagwu, MD (009600661) Potomac, MD	07/06/2021	Action based on another state medical board. NCMB is concerned that the Maryland Board of Physicians (Maryland Board) took action against MD's medical license based on a violation of a prior Consent Order MD had entered into with the Maryland Board in 2018. Pursuant to a condition of that prior Consent Order, ten of MD's patient charts were obtained for peer review who opined that MD failed to meet the appropriate standard of care for one patient and that he failed to keep adequate medical records for three of his patients. For these violations, the Maryland Board suspended MD's medical license for a minimum of six months, permanently prohibited him from prescribing controlled substances and certifying patients for medical use of cannabis, required MD to take focused continuing education, placed him on probation for two years, and assessed a civil fine of \$5,000.00.	Public Letter of Concern
ROSEN , Jefry H., MD (009700733) Greensboro, NC	08/12/2021	MD treated a patient who was suffering from	Public Letter of Concern

		<p>left-sided sinusitis with near-complete opacification of maxillary, anterior ethmoid, and frontal sinuses. A second CT scan of the patient revealed no improvement in opacification with a new finding of erosion of the posterior table, which was concerning for possible intracranial extension. Sinus surgery for the patient had to be rescheduled and postponed due to insurance reasons and the MD was not informed. The patient was later brought to an emergency room and a frontal lobe abscess was revealed. This was emergently drained with a craniotomy procedure and concurrent endoscopic sinus surgery. However, her neurological status deteriorated over the next ten days, and she died in late June 2019. The Board had MD's care reviewed by a medical expert who felt that the findings on the second CT scan pointed to the possibility of intracranial spread, which is an urgent medical situation. The Board's expert felt that, in light of the findings on the second CT scan, MD should have considered an MRI or CT scan of the brain with</p>	
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		contrast or surgical intervention on an urgent basis. If this had been done, it is possible that his patient's outcome might have been different.	
SINGH , Sue Ellen, PA-C, (000101551) Lexington, NC	07/15/2021	Standard of care; PA failed to communicate elevated results of a prostate specific antigen (PSA) blood test to her patient for two sequential years. Upon the third elevated results, PA discovered the missed, abnormal PSAs, advised her patient, and referred him on an urgent basis to a urologist. PA's patient was subsequently diagnosed with Stage IIA prostate cancer and ultimately underwent a radical prostatectomy.	Public Letter of Concern
TODD , Jeffrey Allen, MD (000740246) Summerfield, NC	07/02/2021	The Board is concerned that MD prescribed a higher than recommended dose of Mirapex® (pramipexole) to a patient who he had diagnosed with Restless Leg Syndrome. His patient was at risk for falling because of her comorbidities, past history of falling, and the known side effects of Mirapex®. After taking her first dose of Mirapex®, the patient became hypotensive, fell, and suffered an injury.	Public Letter of Concern
MISCELLANEOUS ACTIONS			
NONE			

CONSENT ORDERS AMENDED			
NONE			
TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES			
NONE			
COURT APPEALS/STAYS			
NONE			
DISMISSALS			
NONE			